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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TSUNEYUKI TSUJI, SHIGEKI MURAMOTO, and
MISAKO KAWABE

Appeal 2009-006021
Application 09/964,637¹
Technology Center 2400

Decided: May 13, 2010

Before JAY P. LUCAS, THU A. DANG, and STEPHEN C. SIU,
Administrative Patent Judges.

LUCAS, *Administrative Patent Judge.*

DECISION ON APPEAL

¹ Application filed September 28, 2001. The real party in interest is Fujitsu Limited.

STATEMENT OF THE CASE

Appellants appeal from a final rejection of claims 1 to 6, 8 to 12, and 16 to 20 under authority of 35 U.S.C. § 134(a). The Board of Patent Appeals and Interferences (BPAI) has jurisdiction under 35 U.S.C. § 6(b). Claims 7 and 15 are cancelled. Appellants attempted to cancel claims 13 and 14 in a concurrently filed amendment (*see* App. Br. 6) that was not acknowledged by the Examiner's statement of the rejection (Ans. 3, middle). We treat the Examiner's omission as a typographical error, and we deem claims 13 and 14 cancelled.

We affirm.

Appellants' invention relates to a method of efficiently browsing for information where the browsing medium is, for example, an electronic TV program guide or an Internet browser. (*See* claim 1; Fig. 1, elements 30, 40.) One user (*e.g.*, a parent) of a plurality of users may limit the search conditions that another user (*e.g.*, a child) may employ in his or her search, effectively exercising control over the second user's viewing or browsing habits. (*See* claim 1; Spec. 7, ll. 3-6 and 11-15.) In the words of Appellants:

According to the present information browse supporting system, it is feasible to actualize a platform (environment) where each user browses the information in a way of recognizing that some other user has a kind concern about this browsing user.

(Spec. 4, l. 27 to Spec. 5, l. 4).

Claim 1 is exemplary, and is reproduced below:

1. An information browse method comprising:
 - a first search condition information setting step of setting a condition, inputted by any one user among a plurality of users, for searching for information suited to a first user, as first search condition information on this first user;
 - a second search condition information setting step of setting a condition, inputted by any one among the plurality of users in a way that specifies a second user, for searching information suited to this second user, as second search condition information on this second user;
 - an information search step of searching, from within browsing target information containing a plurality of information elements, for an information element with respect to a certain user in accordance with information derived from the first search condition information set in said first search condition information setting step and information derived from the second search condition information set in said second search condition information setting step; and
 - an information presenting step of presenting to the certain user a piece of information corresponding to a searched result with respect to the certain user in said information search step.

In rejecting the claims on appeal, the Examiner relied upon the following prior art:

Haken	US 2004/0008972 A1	Jan. 15, 2004
Cooper	US 6,754,904 B1	Jun. 22, 2004
Ellis	US 6,898,762 B2	May 24, 2005

REJECTIONS

The Examiner rejects the claims as follows:

R1: Claims 1 to 3, 5, 6, 8 to 10, 12, and 16 to 20 stand rejected under 35 U.S.C. § 103(a) for being obvious over Ellis in view of Cooper.

R2: Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) for being obvious over Ellis and Cooper further in view of Haken.

Appellants contend that Ellis alone, or Ellis in combination with Cooper and Haken, fails to render the claimed subject matter obvious because Ellis does not disclose the claimed “second search condition” (claim 1) (App. Br. 11, top). The Examiner contends that each of the claims is properly rejected (Ans. 14, top).

We will review the rejections in the order argued, and as grouped in the Briefs. The claims are as per Appellants’ Briefs. We have only considered those arguments that Appellants actually raised in the Briefs. Arguments that Appellants could have made but chose not to make in the Briefs have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

The issue is whether Appellants have shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 103(a). The issue specifically turns on whether Ellis teaches a “second search condition,” as recited in claim 1.

FINDINGS OF FACT

The record supports the following findings of fact (FF) by a preponderance of the evidence.

Disclosure

1. Appellants have invented a method and system of browsing information that includes a first search condition entered by one of a plurality of users (*e.g.*, a first user) (claim 1). One of the users enters a second search condition “for searching information suited to [a] second user.” (*Id.*).

Ellis

2. The Ellis reference discloses a method of browsing for information includes a first search condition entered by one of multiple users. (*See* col. 14, ll. 38-41; col. 22, ll. 42-48.) One of the users sets a search condition for a second user via parental controls. (*See* col. 18, ll. 35-38.)

Cooper

3. The Cooper reference discloses a method of one user (*e.g.*, a parent) receiving information showing TV programming viewed by another network user (*e.g.*, a child) (col. 2, ll. 40-44). Any user may watch TV and simultaneously participate in an online TV chat room, which is a discussion group devoted to the TV program (col. 6, ll. 19-21). Cooper further discloses that software can change a user’s chat room as the user change channels on their TV (col. 6, ll. 24-26 and ll. 61-67).

Haken

4. The Haken reference discloses that owners are authorized to make remote recordings of TV programs, whereas others require authorization. (*See* ¶[0034].) For example, Haken discloses either allowing remote program

recording in the case of a username designated as “PARENT” or checking with the owner of a personal TV receiver if the user is designated as a “CASUAL FRIEND.” (*Id.*). Haken’s owner is a parent, and not a child.

PRINCIPLES OF LAW

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner’s position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006).

In sustaining a multiple reference rejection under 35 U.S.C. § 103(a), the Board may rely on one reference alone without designating it as a new ground of rejection. *In re Bush*, 296 F.2d 491, 496 (CCPA 1961); *In re Boyer*, 363 F.2d 455, 458 n.2 (CCPA 1966).

“[L]imitations are not to be read into the claims from the specification.” *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (citing *In re Zletz*, 893 F. 2d 319, 321 (Fed. Cir. 1989)).

ANALYSIS

From our review of the administrative record, we find that the Examiner presents her findings of obviousness on pages 3 to 7 of the Examiner’s Answer. In opposition, Appellants present a number of arguments.

*Arguments with respect to the rejection
of claims 1 to 3, 5, 6, 8 to 10, 12, and 16 to 20
under 35 U.S.C. § 103(a) [R1]*

Appellants argue: “[Ellis fails to disclose] a second search condition that shows only those program[s] which are not blocked. Therefore ‘setting a second search condition, inputted by any one among the plurality of users in a way that specifies a second user, for searching information suited to the second user, as second search condition information on this second users’ is not [disclosed].” (App. Br. 11, top).

In reply, the Examiner finds that the Cooper reference discloses Appellants’ “second search condition.” (Ans. 4, middle).

We concentrate on the Ellis reference for the disclosure of all of the limitations of Appellants’ claim 1. (*See In re Bush*, cited above.) We find that Appellants have invented a method and system of browsing for information that includes a first search condition entered by one of a plurality of users (*e.g.*, a first user) (FF#1). One of the users enters a second search condition “for searching information suited to [a] second user.” (*Id.*). In comparison, Ellis discloses a method of browsing for information (*e.g.*, TV program guide information) (FF#2) that includes a first search condition TV program guide entered by one of multiple users (*e.g.*, any user who performs a first information search of the TV programming guide) (*id.*).

Contrary to Appellants’ argument that Ellis fails to disclose a “second search condition,” as claimed, we find that Ellis discloses that one of the multiple users (*i.e.*, a parent) sets a search condition for a second user (*i.e.*, a child) via parental controls (FF#2). A person of ordinary skill in the art would have recognized Ellis’s parental controls as limiting a child’s search

capabilities for “titles, programs, or channels” (*see* col. 18, ll. 36-38) in the same manner that Appellants’ claimed “second search condition information setting step [sets] a condition, inputted by any one among the plurality of users in a way that specifies a second user, for searching information suited to this second user, as second search condition information on this second user.” In Ellis, a parent restricts certain “titles, programs, or channels” in a way that specifies a child user (*i.e.*, Appellants’ claimed “second user”) “for searching information suited,” as claimed, to this child user. For the above-stated reasons, we find that Appellants’ claimed “second search condition information setting step” reads on Ellis’s parental controls. Accordingly, we find no error.

Next, Appellants argue: “[T]he parent enforcement discussed above does not state there is a separate (*i.e.*, second search condition) view of the program guide for a child.” (App. Br. 11, bottom).

We find unpersuasive Appellants’ argument concerning “a separate view of the program guide for a child” since Appellants’ argument is not commensurate with the scope of exemplary claim 1. Claim 1 does not recite a “separate view of the program guide for a child,” as argued above by Appellants. Accordingly, we find no error.

Claim 1 recites, in relevant part, “an information presenting step of presenting to the certain user a piece of information corresponding to a searched result with respect to the certain user in said information search step.”

Regarding the above-stated claim limitation, Appellants argue: “As can be seen, Ellis and Cooper say nothing about making a presentation of information obtained in a search based on two search conditions where the

two search conditions are for information for different users as recited in claim 1.” (App. Br. 13, top).

We find unpersuasive Appellants’ argument concerning “making a presentation of information ... for different users” since Appellants’ argument is not commensurate with the scope of claim 1. Exemplary claim 1 does not recite “making a presentation of information ... for different users,” as argued above by Appellants. We further note Appellants chose not to specifically limit the language of claim 1 to place any limitations or restrictions on what the claim term “presenting” means, includes, or represents. We do not read any limitations into claim 1. (*See In re Van Geuns*, cited above.) Thus, we do not interpret the claimed “presenting” of information corresponding to a searched result as requiring the claimed “presenting” of information for one user to occur simultaneously with “presenting,” as claimed for a second user. Accordingly, we find no error.

Regarding dependent claims 2, 3, 5, 16 to 18, and 20, Appellants make separate arguments in accordance with 37 C.F.R. § 41.37(c)(1)(vii). Regarding these separately argued claims, we carefully reviewed the Examiners’ findings of obviousness. (*See* Ans. 4, bottom to 6, bottom.) We adopt the Examiner’s obviousness findings (*id.*) and direct Appellants’ attention to the “Response to Arguments” section of the Answer for further details. (*See* Ans. 10, bottom to 13, middle.) Accordingly, we find no error in the rejection [R1] of claims 2, 3, 5, 16 to 18, and 20.

Appellants argue that claims 9, 10, and 12 are patentable because of their dependency from independent claim 6 (App. Br. 13, bottom).

However, as we do not support the patentability of claim 6, we find no error in the Examiner's rejection of claims 9, 10, and 12.

*Argument with respect to the rejection
of claims 4 and 11
under 35 U.S.C. § 103(a) [R2]*

Dependent claim 4 recites, in relevant part, wherein “the first search condition information contains ... a keyword and a confidential flag for indicating whether or not a permission of using this keyword is given to the second user” and “said second information searching step involves performing the check about the search information element by use of only the keyword having such a relationship that the confidential flag ... indicates the permission of the first user.”

Appellants contend: “[Paragraph [0009] of Haken] says nothing about the a keyword or a confidential flag much less performing a check where the confidential flag indicates the permission of the first user recited in claims 4 and 11.” (App. Br. 18, middle).

In reply, the Examiner points out that Haken discloses flagging individual usernames based on their status as a “PARENT” or a “CASUAL FRIEND” to “distinguish authorized reminders.” (See ¶[0034]; Ans. 7, middle.)

We find that in Haken, owners are authorized to make remote recordings of TV programs, whereas others require authorization (FF#4). For example, Haken discloses either allowing remote program recording in the case of a username designated as “PARENT” or checking with the owner of a personal TV receiver if the user is designated as a “CASUAL

FRIEND.” (*Id.*). Haken’s owner (of the personal television receiver, or PTR) is a parent, and not a child (*id.*). A person of ordinary skill in the art would have recognized that Haken’s “flagging” is similar to “Appellants’ “confidential flag,” as claimed. Accordingly, we find no error.

Dependent claim 11 contains substantially similar subject matter as claim 4. Accordingly, we find no error in the rejection [R2] of claim 11.

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner did not err in rejecting claims 1 to 6, 8 to 12, and 16 to 20.

DECISION

We affirm the Examiner’s rejections [R1 to R2] of claims 1 to 6, 8 to 12, and 16 to 20.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

peb

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